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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ballantine et al.

Examiner: Tsai, H Jey

Serial No.: 10/753,241

Art Unit: 2812

Filed: 1/8/2004

For: INCREASING AN ELECTRICAL RESISTANCE OF A RESISTOR BY OXIDATION
OR NITRIDIZATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION WITH SPECIES ELECTION

This communication responds to the Restriction mailed September 14, 2005.

In response to the species restriction requirement, Applicants hereby provisionally elect the first species of forming a resistor by oxidation (oxygen), with traverse. It is respectfully submitted that the search and examination of the species of the entire application could be made without serious burden. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

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Claims 1, 4-5, 10-12, 16, 20, 23-24, 49-66, 47, and 67-69 read on the elected species.

Claims 47 and 67-69 are generic with respect to the elected species.